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OFFICE OF PETITIONS

In re Application of :
Lon B. Radin :
Application No. 09/915,662 : DECISION ON PETITION UNDER
Filed: July 25, 2001 : 37 C.F.R. §1.59(b)
Title: SPATIAL POSITION :
DETERMINATION SYSTEM :

This is a decision on the petition filed December 15, 2004, pursuant to 37 C.F.R. §1.59(b), requesting that two pages which were submitted along with an information disclosure statement (IDS) be expunged.

The application was filed on July 25, 2001. On June 16, 2003, Petitioner submitted a Supplemental IDS. Along with the references which were submitted in conjunction with the IDS, Petitioner inadvertently included 2 pages which appear to be personal material, which is not related to the instant application. Petitioner requests that these two pages be expunged from "both the electronic and paper records¹."

The petition is **GRANTED-IN-PART**.

37 C.F.R. §1.59 sets forth:

§ 1.59 Expungement of information or copy of papers in application file.

(a)

(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section.

(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

¹ Petition, page 1.

(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(h) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003]

The matter Petitioner wishes to have expunged does not form part of the original disclosure. Petitioner has included the \$200 fee, and has established to the satisfaction of the Director that the expungement of this information is appropriate.

As such, the electronic document which contains these two pages has been closed in the Office's Image File Wrapper software viewing program. The paper documents will not be removed from the physical file however, as the Office does not remove papers from paper files which have been scanned.

The application file is being forwarded to the Office of Patent Publication for further processing.

The general phone number for the Office of Petitions, which should be used for status requests, is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



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